

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

QUANG D. NGUYEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-1102-D
)	
LOUIS DeJOY,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff’s motion to reconsider the Court’s Order denying Plaintiff leave to file a reply out of time [Doc. No. 61]. Plaintiff has also filed a motion titled, “Motion for Leave to Reconsider Plaintiff’s Reply to Oppose Defendant’s Response in Opposition to Plaintiff’s Motion for Leave to File a Second Amended Complaint” [Doc. No. 62]. The Court construes the latter as a second motion to reconsider the Court’s Order denying Plaintiff leave to file a reply out of time.

For the reasons stated in the Court’s previous Order [Doc. No. 59], the Court denied Plaintiff leave to file a second amended complaint. Related to Plaintiff’s motion for leave to file a second amended complaint, Plaintiff has filed: a motion for leave to file a reply out of time [Doc. No. 53], which the Court denied [Doc. No. 57]; an untimely reply filed without leave of Court [Doc. No. 55], which was stricken [Doc. No. 56]; a “Motion to Supplement Plaintiff’s [Motion for Leave] with Exhibits and Evidence” [Doc. No. 58], which was denied [Doc. No. 60]; and the two present motions to reconsider [Doc. Nos. 61, 62].

“The Federal Rules of Civil Procedure do not recognize a ‘motion to reconsider.’” *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991). However, “a district court always has the inherent power to reconsider its interlocutory rulings.” *Warren v. Am. Bankers Ins. of Fla.*, 507 F.3d 1239, 1243 (10th Cir. 2007). “Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.” *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (citations omitted). A motion to reconsider, however, “has dubious parameters,” and “[m]any district courts vigorously disfavor these motions.” *United States v. Cos*, 498 F.3d 1115, 1123 n.2 (10th Cir. 2007) (quoting Judge Wayne Alley’s letter, in which he notes the “alarming practice and regularity with which motions to reconsider are filed after a decision unfavorable to a party’s case”).

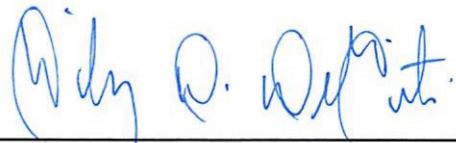
The Court has reviewed Plaintiff’s motions to reconsider, and neither filing provides a basis for the Court to reconsider its decision to deny Plaintiff leave to file a reply out of time. Further, even had the Court permitted Plaintiff to file a reply out of time, nothing in Plaintiff’s proposed reply [Doc. No. 55] would have changed the Court’s determination that Plaintiff’s proposed second amended complaint, if allowed, would be futile. [Order, Doc. No. 59]. Plaintiff is needlessly delaying this litigation by filing repetitive (and lengthy) motions seeking reconsideration. In the future, Plaintiff should refrain from filing a motion to reconsider as an automatic reaction to an adverse ruling.

IT IS THEREFORE ORDERED that Plaintiff’s “Motion for Leave to Reconsider Plaintiff’s Motion to Permit Plaintiff to File His Reply to Defendant’s Response Out of

Time” [Doc. No. 61] and “Motion for Leave to Reconsider Plaintiff’s Reply to Oppose Defendant’s Response in Opposition to Plaintiff’s Motion for Leave to File a Second Amended Complaint” [Doc. No. 62] are **DENIED**.

IT IS FURTHER ORDERED that, for any future motion to reconsider filed by Plaintiff, Defendant need not respond unless ordered by the Court.

IT IS SO ORDERED this 1st day of October, 2024.



TIMOTHY D. DeGIUSTI
Chief United States District Judge